

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO.
v. : DATE FILED:
ALBERT TUPONE : VIOLATIONS:18 U.S.C. §1920
(False Statement - 3 Counts)

INDICTMENT

THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

OFFICE OF WORKERS' COMPENSATION PROGRAMS

1. The Office of Workers' Compensation Programs ("OWCP") was an agency within the United States Department of Labor responsible for making disability payments to federal workers disabled in connection with their employment.

2. In such capacity, OWCP was responsible for administering benefits payable under the Federal Employee Compensation Act ("FECA") as set forth in Title 5, United States Code, Chapter 81.

3. FECA provided compensation benefits to employees of the United States for disability due to personal traumatic injury sustained in the performance of duty. The Department of Labor was reimbursed by the employing agency for benefits paid.

4. All employees of the United States Postal Service ("USPS") were covered by FECA.

5. All employees seeking FECA benefits must report the cessation of their disability, a change of their medical condition, any employment or self-employment and any income earned through that employment to OWCP.

6. In order to facilitate the reporting of this information to OWCP, the Department of Labor required claimants to complete a Form 1032 which requested information from the claimant about any employment or revenue earned while they received disability payments. This form was used to determine whether the claimant qualified for continued benefits and to determine whether an adjustment for continued benefits was warranted.

THE DEFENDANT

7. In or about May 1973, defendant ALBERT TUPONE was hired by the United States Postal Service as a mail carrier.

8. On or about June 20, 1974, defendant ALBERT TUPONE received a work-related injury and was diagnosed with a lumbar strain and a perforated eardrum. The doctor who examined defendant ALBERT TUPONE at that time concluded that he was disabled and unable to return to work.

9. Beginning in or about July 1974 and through in or about May 2000, defendant ALBERT TUPONE applied for and received disability payments as a result of his work-related injury.

THE SCHEME

10. Between in or about August 1996 and in or about April 2000, defendant ALBERT TUPONE was engaged in the business of buying and selling automobiles from his residence which generated income in addition to the disability payments defendant ALBERT TUPONE received from OWCP during the same time period.

11. The revenue earned by defendant ALBERT TUPONE from his automobile sales business was approximately \$48,050.

12. Between in or about August 1997 and in or about May 2000, in order to continue receiving disability payments under the OWCP to which he was not entitled as a result of his self-employment and earned income, defendant ALBERT TUPONE certified on three 1032 forms that he had no employment or self-employment and no earned income from any employment for the previous fifteen month period.

13. As a result of ALBERT TUPONE's false statements on these forms, defendant ALBERT TUPONE's disability payments were not reduced as required in the event that a claimant earned income from employment.

14. Between on or about April 28, 1996 and on or about May 20, 2000, defendant ALBERT TUPONE received as a result of his false statements a total of approximately \$76,239 in disability payments to which he knew he was not entitled because of his self-employment and earned income.

15. On or about the dates listed below, in the Eastern District of Pennsylvania

and elsewhere, the defendant

ALBERT TUPONE

knowingly and willfully falsified, concealed, and covered up material facts, and made false, fictitious, and fraudulent statements and representations, in connection with the receipt of compensation and other benefits and payments exceeding \$1,000, under Subchapters I and III of Chapter 81 of Title 5 of the United States Code, the federal workers' compensation law, as shown below:

COUNT	DATE	THE FALSE WRITTEN STATEMENT
ONE	July 1, 1998	A Form 1032 in which defendant ALBERT TUPONE falsely claimed to have no employment or self-employment and no earned income from any employment during the previous 12 months in order to receive a total of \$17,894 in tax-free disability payments.
TWO	May 4, 1999	A Form 1032 in which defendant ALBERT TUPONE falsely claimed to have no employment or self-employment and no earned income from any employment during the previous 11 months in order to receive \$16,592 in tax-free disability payments.

THREE	May 30, 2000	A Form 1032 in which defendant ALBERT TUPONE falsely claimed to have no employment or self-employment and no earned income from any employment during the previous 13 months in order to receive \$19,946 in tax-free disability payments.
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All in violation of Title 18, United States Code, Section 1920.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney

